

HOUSE BILL 2044

By DeBerry J

AN ACT to amend Tennessee Code Annotated, Title 37;  
Title 38; Title 39 and Title 40, relative to reporting  
of child abuse.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 37-1-102(b), is amended by deleting subdivision (1) in its entirety and by substituting instead the following language:

(1) "Abuse" exists when:

(A) A person under the age of eighteen (18) is suffering from, has sustained, or may be in immediate danger of suffering from or sustaining a wound, injury, disability, or physical or mental condition caused by brutality, neglect, or other actions or inactions of a parent, relative, guardian, or caretaker;  
or

(B) A mother causes her newborn child to be born with:

(i) An illegal substance present in the newborn's bodily fluids or bodily substances as a result of the pregnant mother knowingly using an illegal substance before the birth of the newborn; or

(ii) A health problem as a result of the pregnant mother's use before birth of an illegal substance.

(C) For the purposes of subdivision (b)(1)(B), "illegal substance" means a drug that is prohibited to be used or possessed without a prescription under title 39, chapter 17, part 4.

(D) A test of the child's bodily fluids or bodily substances may be used as evidence to establish abuse under subdivision (b)(1)(B).

SECTION 2. Tennessee Code Annotated, Section 37-1-403(a), is amended by adding the following as a new subdivision (2) and by renumbering subsequent subdivisions accordingly:

(2) Any of the following persons who suspect that a child has been subjected to abuse as defined under § 37-1-102(b)(1)(B) shall report such harm immediately:

(A) A licensed nurse;

(B) Any medical personnel who may be engaged in the admission, examination, care, or treatment of persons;

(C) An osteopath;

(D) A physician;

(E) A resident intern; or

(F) A surgeon.

SECTION 3. Tennessee Code Annotated, Title 37, Chapter 1, Part 4, is amended by adding the following language as a new section:

§ 37-1-415.

(a) The department shall develop and maintain statewide statistics of the incidents of abuse defined in § 37-1-102(b)(1)(B) and report annually no later than February 15 to the joint select committee on children and youth.

(b) The annual report under this section shall include all findings and statistics regarding incidents of abuse reported under § 37-1-403(a)(2), including, but not limited to, the following information:

(1) The age of the mother;

(2) The type of illegal substance to which the newborn child was exposed prenatally;

(3) The estimated gestational age of the newborn child at the time of birth; and

(4) The newborn child's health problems.

SECTION 4. This act shall take effect on July 1, 2007, the public welfare requiring it.